

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT D. TOWERS #424124

§

VS.

§

CIVIL ACTION NO. 6:12CV830

DIRECTOR, TDCJ

§

ORDER OF DISMISSAL

The above-entitled and numbered petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Petitioner has filed objections.

Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Petitioner's objections are without merit. Specifically, Petitioner had been ordered to either pay the \$5 filing fee for his petition or submit an application to proceed *in forma pauperis* with the appropriate inmate trust fund data sheet. He failed to do so in response to the Order and again failed to address the issue at all in his Objections, which contain a lengthy and rambling diatribe that includes in quotation marks, "Liberty for us all in Amerika" with two swastika marks at either end of the quotation; a reference to "Carl Marxist believers"; "guns & ammo - shanks in mattresses"; and a number of other irrelevant comments. He has not paid the filing fee nor filed a motion to proceed *in forma pauperis*.

Therefore, Petitioner's objections are without merit and will be overruled. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the court.

In light of the foregoing, it is

ORDERED that Petitioner's objections are hereby **OVERRULED**. It is further

ORDERED that the petition for writ of habeas corpus is **DENIED** and this action is hereby **DISMISSED** without prejudice for failure to obey an order or failure to prosecute. Fed. R. Civ. P. 41(b). It is finally

ORDERED that any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 15th day of February, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', is written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE